

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOSHUA KEITH DAVIS,

Petitioner,

v

Case No. 03-73306

KURT JONES,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION IN PART AND HOLDING IN ABEYANCE IN PART**

Before the Court is Magistrate Judge Komives' Report and Recommendation [31-1] filed on March 29, 2006. The Magistrate recommends that this Court deny petitioner habeas relief on his second claim (alleging ineffective assistance of counsel), but appoint counsel for an evidentiary hearing as to petitioner's first claim (alleging a violation of his rights under *Miranda*). No objections were filed.

Davis v Jones 03-73306

Having reviewed the file, the Report and Recommendation and the pleadings, this Court **ADOPTS IN PART** and **HOLDS IN ABEYANCE IN PART** the Report and Recommendation [31-1]. The Court agrees that an evidentiary hearing should be heard and counsel be assigned to petitioner and holds in abeyance the balance of the issues until addressed by counsel.

IT IS SO ORDERED.

s/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: August 25, 2006

I hereby certify that a copy of the foregoing document was served upon counsel of record on August 25, 2006, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary